

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MONTANA

HELENA DIVISION

**FILED**

JUL 15 2019

Clerk, U S District Court  
District Of Montana  
Helena

PACIFIC NORTHWEST SOLAR,  
LLC,

Plaintiff,

vs.

NORTHWESTERN CORPORATION,  
A DELAWARE CORPORATION  
DBA NORTHWESTERN ENERGY,

Defendant.

No. CV-16-114-H-SEH

**ORDER**

On May 31, 2019, Defendant moved *in limine* to exclude Plaintiff from introducing at trial evidence of developer fees received by Plaintiff from solar projects “successfully developed and sold since January 1, 2015,”<sup>1</sup> arguing that Plaintiff “refused to provide” such information during discovery.<sup>2</sup>

A hearing on the motion was held on July 3, 2019.

On July 8, 2019, the Court issued its Order which directed Plaintiff to:

---

<sup>1</sup> Doc. 240-2 at 3.

<sup>2</sup> Doc. 239 at 2.

file and serve a revised answer to Interrogatory No. 7 on or before July 10, 2019, which will identify: (1) each project, by name or title, within the ambit of the request; (2) the specific dollar amount received by Pacific Northwest Solar, LLC as developer fees for each project identified; and (3) the date or dates upon which such developer fees were paid to Pacific Northwest Solar, LLC.<sup>3</sup>

A renewed answer to Interrogatory No. 7 was filed on July 10, 2019, which appears on its face to identify and supply the information requested.<sup>4</sup>

The Court, by previous order,<sup>5</sup> has limited the scope of evidence admissible at trial to the particular projects at issue in this case, namely the Benton, Bootlegger, Choteau, and Manta projects. Evidence of separate projects involving contracting party participants, locations, and terms and conditions that are different from and not the same as the projects in this case will not be admitted at trial.<sup>6</sup>

ORDERED:

Defendant's Motion *in Limine* to Exclude Previously Undisclosed Evidence

---

<sup>3</sup> Doc. 257 at 3.


<sup>4</sup> See Doc. 258 at 1–3.

<sup>5</sup> See Doc. 257 at 2–3.

<sup>6</sup> FED. R. EVID. 401, 402, 403, and 611(a).

of Developer's Fees Received by Pacific Northwest Solar<sup>7</sup> is GRANTED.

DATED this 15<sup>th</sup> day of July, 2019.

  
\_\_\_\_\_  
SAM E. HADDON  
United States District Judge

---

<sup>7</sup> Doc. 239.